

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the  
Southern District of Ohio

United States of America  
v.

JAMIL BARKER

Defendant(s)

Case No.

3:19mj246

2019 MAY -2 AM 11:02

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
WESTERN DIV. DAYTON

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 24, 2019 in the county of \_\_\_\_\_ in the  
Southern District of Ohio, the defendant(s) violated:

Code Section

18 U.S.C. 922(g)(1)

Offense Description

Possession of a firearm after having been previously convicted of a felony offense

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Andrew McCoy, Task Force Officer, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/02/2019

City and state: Dayton, Ohio

Judge's signature

Sharon L. Ovington, United States Magistrate Judge

Printed name and title

## **AFFIDAVIT**

Your Affiant, Andrew D. McCoy, being duly sworn, does hereby depose and state as follows:

### **I.**

#### **INTRODUCTION**

1. I am a sworn law enforcement officer in the State of Ohio for over eighteen (18) years. I am presently a sworn member of the Montgomery County Sheriff's Office. I am currently assigned to the Federal Bureau of Investigation's (FBI) Southern Ohio Safe Streets Task Force (SOSSTF) as a Task Force Officer (TFO). I have received training in drug trafficking investigations and have participated in numerous narcotics-related investigations (ultimately leading to successful prosecution) that involved surveillance, gathering evidence of money laundering, interviewing suspected drug traffickers, and supervising the activities of informants who provided information and assistance which resulted in the seizure of narcotics. I have conducted numerous investigations into the unlawful distribution and possession of controlled substances; use and possession of firearms. Based on my training and experience, I am familiar with federal firearms laws, and I am aware that possession of a firearm by a convicted felon is a violation of Title 18, United States Code, Section 922(g)(1).

### **II.**

#### **PURPOSE OF AFFIDAVIT**

2. This Affidavit is made in support of an arrest warrant for **JAMIL DAVON BARKER** (hereinafter "**BARKER**"). My knowledge of this investigation is based upon my own personal observations, as well as the observations and investigation conducted by other law enforcement officers knowledgeable of the facts and circumstances involved in subject investigation. I have

not included in this Affidavit all the facts known to me, but only that information sufficient to establish probable cause to believe that **BARKER** has committed a violation of Title 18, United States Code, Section 922 (g)(1), that being “Possession of a firearm after having been previously convicted of a felony offense.”

### III.

#### SUMMARY OF PROBABLE CAUSE

3. On April 24, 2019, investigators from the RANGE Task Force served a search warrant at 4077 Fleetwood Drive, in the Township of Harrison, Montgomery County, Ohio. This search warrant was issued by the Honorable Judge Dennis Adkins of the Montgomery County Common Pleas Court on April 24, 2019. Also listed on the warrant was the person of **BARKER** and two vehicles that he was known to drive: a black 2007 BMW 550i and a blue 2013 Hyundai Sonata.

4. On April 24, 2019, RANGE Task Force investigators, with the assistance of the Ohio State Highway Patrol, were able to locate **BARKER** while he was driving the black 2007 BMW 550i in the City of Trotwood. RANGE Task Force investigators and OSHP troopers were able to follow **BARKER** until OSHP troopers conducted a traffic stop on **BARKER** on Philadelphia Drive near James H. McGee Boulevard in the City of Dayton. **BARKER** was detained at that location, and pursuant to the search warrant issued by Judge D. Adkins, he and the black 2007 BMW 550i were searched.

5. Once **BARKER** was detained, he was interviewed by RANGE Task Force Detective Samuel Hemingway. **BARKER** waived his Miranda Rights and agreed to speak to Detective Hemingway without a lawyer present. During the course of the interview, **BARKER** told Detective Hemingway that he lives at 4077 Fleetwood Drive in Harrison Township with his girlfriend, Jasmine Hill. **BARKER** told Detective Hemingway that he and Hill share a bedroom at the



residence, and that there was a pistol in their bedroom between the mattress and box springs of the bed. **BARKER** was found to be in possession of the front door key to 4077 Fleetwood Drive.

6. RANGE Task Force investigators then responded to 4077 Fleetwood Drive to conduct a search of the residence. During this search, I located a Glock 23, .40 caliber pistol, serial #BBMD148 between the mattress and box springs of the bed in the master bedroom, the same location which **BARKER** had earlier described to Detective Hemingway. This firearm was found to be loaded with twelve (12) rounds of .40 caliber ammunition, with one (1) round in the chamber and eleven (11) additional rounds loaded into its magazine. This firearm was later found to have been reported stolen to the Tippecanoe County (Indiana) Sheriff's Office in May of 2017.

7. Detective Hemingway then spoke to **BARKER** again, and **BARKER** admitted that the Glock 23, .40 caliber pistol, serial #BBMD148 belonged to him. **BARKER** stated that he had purchased the Glock over a year prior to April 24, 2019.

8. A check of **BARKER'S** criminal history revealed that he had previously been convicted of felony criminal offenses (punishable by greater than one year in prison), namely on or about March 19, 2010, in United States District Court, Southern District of Ohio at Dayton, case number 3:09 CR 65(4), of "Conspiracy to Distribute and Possess with Intent to Distribute Detectable Amounts of Heroin, Cocaine Base (Specifically, Crack Cocaine), and Cocaine" and "Possession of a Firearm in Furtherance of a Drug Trafficking Crime and Aiding and Abetting."

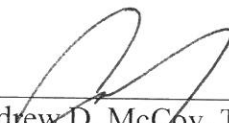
9. On April 30, 2019, I spoke with Miami Valley Regional Crime Laboratory Firearms Analyst Aaron Davies, who told me that the Glock 23, .40 caliber pistol, serial #BBMD148 had been test fired at the MVRCL on April 26, 2019 and was found to be operable.

10. I subsequently spoke with Special Agent Chris Reed of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, who has training and experience in determining a firearm's place of

manufacture. Agent Reed advised that the Glock 23, .40 caliber pistol, serial #BBMD148 was manufactured outside the state of Ohio, and thus moved in interstate commerce.

11. Based on the facts set forth in the Affidavit, there is probable cause to believe that, on or about April 24, 2019, in the Southern District of Ohio, **BARKER** committed a violation of Title 18, United States Code, Section 922 (g)(1), that being "Possession of a firearm after having been previously convicted of a felony offense."

Further your Affiant sayeth naught.

  
\_\_\_\_\_  
Andrew D. McCoy, Task Force Officer  
Federal Bureau of Investigation  
Southern Ohio Safe Streets Task Force

Subscribed and sworn to before me this 2nd day of May, 2019.

  
\_\_\_\_\_  
HONORABLE MICHAEL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE